(Spl. - H.C.A.S. C.D., 78-e)

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF BOMBAY AT GOA

PANAJI – GOA

APPELLATE SIDE

MISC. CIVIL APPLICATION NO.57 OF 2005 IN

FIRST APPEAL NO. 40 OF 2002

Office Notes, Office Memoranda of Quorum appearances, Court's orders, or directions and Registrar's orders.	Court's or Judge's Orders.

Mr. A.R. Kantak, Advocate for the applicant.

Mr. C.A. Fereira, Sr. Central Government Standing Counsel for the respondent.

CORAM : A.P. LAVANDE &
N.A. BRITTO, JJ.

DATE : 8th February, 2005

P.C.

Heard Shri A.R. Kantak, the learned Advocate of the applicant/ respondent in First Appeal No.40/2002 and Shri C.A. Fereira, the learned Sr. Central Government Standing Counsel of the respondent.

2. By Order dated 13/9/2004, passed by this Court in First Appeal

No. 40/2002, we had directed the Joint Mamlatdar, Panaji to decide the pending claim for tenancy as expeditiously as possible and in any event, within a period of three months from 13.9.2004. We had further directed the learned District Judge to decide the reference, afresh within a period of six months, after hearing the parties concerned.

3. It appears that the Mamlatdar has already decided the said claim of tenancy on 7.1.2005. However, it is now represented by the applicant/ respondent in the said appeal that they have preferred an appeal to the Dy. Collector against the said decision of the Mamlatdar. It is, therefore, prayed that the Dy. Collector before whom the appeal is pending, be given some time to dispose of the same.

4. Having directed the Mamlatdar to dispose of the claim of tenancy within the stipulated time, we find it appropriate that the decision given by the Mamlatdar should atleast be tested once in the appeal filed by the applicant/respondent in the said appeal. We, therefore, direct the Dy. Collector and S.D.O. to dispose of the Tenancy Appeal No.TNC/Dycl/APPL/ 4/2005 as expeditiously as possible and in any event within a period of 3 months from today. We further direct the learned District Judge, Panaji to dispose of the pending reference within six months from the date of disposal of the said appeal by the Dy. Collector and S.D.O, Panaji.

The application is disposed of on the above terms.

A.P. LAVANDE, J.

N.A. BRITTO, J.

ssm.